

Exhibit 70

Hyers Deposition

Thomas Hyers

Pages: 26, 27, 28

Dated: January 28, 2021

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|--------------------------|---|-------------------------|
| CHARLES JOSEPH FREITAG, | : | NO. 2:19-cv-05750-JMG |
| JR., as Administrator of | : | |
| the ESTATE OF CHARLES | : | |
| JOSEPH FREITAG, SR., | : | |
| Plaintiff | : | |
| | : | |
| vs. | : | |
| | : | |
| BUCKS COUNTY; PRIMECARE | : | CIVIL ACTION - LAW |
| MEDICAL, INC.; STEPHAN | : | |
| BRAUTIGAM, PMHNP; | : | |
| JESSICA MAHONEY, PSY.D.; | : | |
| AVIA JAMES, LPC; | : | |
| CHRISTINA PENGE, LPC; | : | |
| CORRECTIONAL OFFICER | : | |
| MOODY; CORRECTIONAL | : | |
| OFFICER MURPHY; and | : | JUDGE JOHN M. GALLAGHER |
| CORRECTIONAL OFFICER | : | |
| YOUNG, | : | |
| Defendants | : | |

ZOOM DEPOSITION OF THOMAS HYERS

DATE AND TIME: Thursday, January 28, 2021
at 1:30 p.m.

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1 I tell people I drove a truck. I don't
2 wanna get into any big police conversations so....

3 Q. Did you have an opportunity to speak with
4 him after the sentence was handed down?

5 A. No. When -- when the sentence -- when
6 the sentence came down, my wife had testified right
7 before me as a character witness, and then I went;
8 right? And I believe it was back-to-back days or what
9 have you. The only discourse we had was I was sitting
10 in the -- in the front pew, in the front row aisle of
11 the courtroom. And as they were leading him away after
12 he had been sentenced -- like I said, we were in shock
13 -- and he looked at us and he -- he -- he was handcuffed
14 and he just said, I love you all, thank you for coming.
15 And -- and -- you know, within days.

16 Q. How was -- from just your -- what were
17 your observations -- obviously, you didn't discuss it
18 with him -- what were your observations of him before the
19 sentencing, and did those observations change at the time
20 that he was ushered out of the courtroom?

21 A. Well, I think -- and, again, I mean, I
22 can't tell you what somebody was thinking; right? And
23 we know that. He seemed forlorn after he was sentenced.
24 He was shocked at the -- at the length of the sentence.

25 I am -- I spent a lot of time in special

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1 investigations; right? I was undercover, long hair and a
2 beard for a long time, and I watched people. And I was
3 watching Charlie throughout the sentencing process. And
4 when he got up to speak -- he -- he -- he spoke on his
5 own behalf; right? In his -- in his -- in his -- in his
6 speech he took responsibility, he apologized, and he
7 talked a lot about his depression and the Serotonin and
8 -- but not as an excuse, as to now I know I have this and
9 that's what causes this and I have to do this; right?

10 And I just want to put this piece in. He
11 wasn't suddenly surrendering to the Judge. The Judge
12 took it as -- and, again, I'm not -- I'm not -- I can't
13 testify to what she thought, but by her response, she
14 clearly saw him as surrendering at that point; right?

15 He -- he's now -- now -- and in her eyes,
16 it was too late. It was too late. The trial was -- you
17 know, you already took a couple days out of our life, no,
18 you know, it's too late. But I was glad that he got to
19 get up and give a heartfelt rendering of what and why it
20 happened and how he felt about it; right?

21 That makes the thank you for coming, I
22 love you, even more painful. So I think once he gets
23 sentenced, he knew that -- he knew that -- he knew what
24 he was gonna do; right? And I walked out and I said to
25 my wife as, you know, we walked out -- Karen looked back

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1 at me and said, you know, What do you think's gonna
2 happen? I said, He's gonna kill himself. And that's
3 exactly what he did.

4 Q. Did you convey those concerns to anybody
5 other than your wife?

6 A. I may have in -- in, you know, a group
7 outside, you know. I don't know that I did. And,
8 again, that was -- that was more out of frustration at
9 the Judge and the process and the sentence than it was
10 in actuality that I -- that I -- I never imagined he was
11 gonna do it; right? I felt like everybody else. There
12 was discussion about mental health care and treatment in
13 custody, you know, care in custody in Corrections. And,
14 you know, you had -- you have to have faith in that
15 process.

16 I -- I, however, have the disadvantage
17 that every- -- that nobody else in the room had, where I
18 spent two years on the most violent incarceration jail in
19 America. And there were suicides, and I saw how they
20 handled it, kinda what the process was, and I knew it's
21 extremely -- it's extremely hard on inmates if -- you --
22 you almost can't stop somebody that wants to do it like,
23 you know, so it was hard.

24 Q. Did you have any other interaction on the
25 phone or anything else with Mr. -- with Charlie after he